

REMARKS

The office action of August 28, 2006, has been carefully considered.

It is noted that claims 1-5 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-5 are rejected under 35 U.S.C. 103(a) over the patent to Braun et al. in view of the patent to Reba et al.

In view of the Examiner's rejections of the claims, applicant has amended claim 1.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1-5 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Braun et al., it can be seen that this patent discloses a deflection method and deflection device for a strip, especially a metal strip. Although Braun et al. disclose a strip and a guide table, they do not disclose or teach a switch that is convexly shaped on the top and bottom sides. Furthermore, Braun et al. do not teach a switch that is flexibly arranged at the roller conveyor so that the switch clears the beginning of the guide channel when in a raised position, as in the presently claimed invention. Furthermore, Braun et al. do not teach the guide table being concavely shaped to correspond to the bottom side of the switch.

The patent to Reba et al. discloses a web threading system.

The Examiner combined Braun et al. with Reba et al. in determining that claims 1-5 would be unpatentable over such a combination. Applicant respectfully submits that neither of these

references, nor their combination, teach a device for deflecting sections of strip, as in the presently claimed invention.

Furthermore, applicant submits that there is no motivation for combining the references as suggested by the Examiner. Reba et al. deal with textile technology whereas Braun et al. deal with metal strip. A person skilled in the art would not look to teachings in the textile field for modifying a machine for metal strip as taught by Braun et al. Thus, the foil-element taught by Reba et al. is not comparable functionally or constructively to the switch of the presently claimed invention.

Furthermore, in Reba, et al. the pointed end of the foil element points in the conveyance direction whereas in the present invention the acute angled end points against the conveyance direction. This difference is due to the different function and operation of the foil element and the switch. In the presently claimed invention the switch, depending on the position of the pointed end either the beginning guide channel or the end guide channel is cleared. The foil element of Reba et al. does not have a clearing function for two different channels. Instead, the foil element functions, with its obtuse angled end against the flow direction, as a nozzle on whose upper surface a laminar flow and therewith desired pressure or vacuum characteristics and force

fields are formed. A fiber to be threaded in is grabbed by these force fields or the flow in the region of the foil element and is thereby guided in a desired manner (see i.e. col. 11, line 47 - col. 12, line 68 of Reba et al.). The switch of the presently claimed invention functions in a purely mechanical fashion and has no nozzle function. Thus, the foil element of Reba et al and the switch of the presently claimed invention are not comparable.

Furthermore, neither of the references give any suggestion for forming the guide table to correspond to the bottom side of the switch. This is evident in particular because in Reba et al. the guide table is subordinate to the foil element in the flow direction, and the foil element is not arranged parallel or opposite the guide table in any of its designated positions, nor is the foil element pressed into the upper surface of the guide table.

In view of these considerations it is respectfully submitted that the rejection of claims 1-5 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

Reconsideration and allowance of the present application are

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respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By 

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Dated: December 28, 2006

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on December 28, 2006.

By: 
Klaus P. Stoffel

Date: December 28, 2006